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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/715,574	11/17/2003	Mutsuya Kitazawa	007705.P002	4721
8791 7590 10/30/2007 BLAKELY SOKOLOFF TAYLOR & ZAFMAN 1279 OAKMEAD PARKWAY SUNNYVALE, CA 94085-4040			EXAMINER NAGPAUL, JYOTI	
			ART UNIT 1797	PAPER NUMBER
			MAIL DATE 10/30/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/715,574	Applicant(s) KITAZAWA, MUTSUYA	
	Examiner Jyoti Nagpaul	Art Unit 1743	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 August 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 33-35, 37, 38, 40-48 and 57-69 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 33-35, 37, 38, 40-48 and 57-59 is/are allowed.
- 6) ☒ Claim(s) 60-69 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Amendment filed on August 17, 2007 has been acknowledged. Claims 33-35, 37-38, 40-48 and 57-69 are pending.

Response to Amendment

Rejection of Claims 33-35, 37-48 and 57-69 as being anticipated by Daley (US 4854486) has been modified in light of applicant's amendments.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. **Claims 60-69** are rejected under 35 U.S.C. 102(b) as being anticipated by Daley (US 4854486).

Daley teaches a system for dispensing or delivery of liquid reagents from containers to sample holders of an analytical instrument.

With respect to Claim 60, 63 and 69, the system comprises a first longitudinally extending cylindrical ring (6) defining an interior area and a longitudinally extending fluid conduit (13, 11, 20) positioned within the interior area and defining a fluid flow aperture. A laterally extending wall is (1) adjacent the first cylindrical ring (6) and the fluid conduit (13, 11, 20). The laterally extending wall (1) has a top surface directed towards the processing apparatus/analytical instrument and defines at least one vent aperture (7) creating fluid venting communication between the fluid reservoir (4) and the top surface.

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The system further comprises a second cylindrical ring (5) longitudinally adjacent the first cylindrical ring (6). (See Figures 3-4B) The fluid conduit (13,11,20) extends through the wall (10) and extends beyond the top surface of the wall (1) with the interior space defined by the first cylindrical ring (6).

With respect to Claim 61, the at least one vent apertures (7) provide venting communication between the reservoir (4) and the processing apparatus/analytical instrument.

With respect to Claim 62, it is clearly capable for the fluid conduit (13, 11, 20) is clearly capable of providing bi-directional fluid communication between the reservoir and the processing apparatus. Examiner believes that if the container (3) is flipped over after dispensing in the processing apparatus, by gravity the reagents left in the conduit (13, 11, 20) will settle back into the reservoir causing bi-directional fluid communication between the fluid reservoir and the processing apparatus.

With respect to Claim 64, the fluid conduit (13, 11, 20) extends through the wall (1) and extends beyond the top surface of the wall (1) within the interior space defined by the first cylindrical ring (6).

With respect to Claim 65, a plurality of vent apertures (7) are arranged concentrically within the wall (7).

With respect to Claim 66, the first cylindrical (6) is **configured to** mate with a corresponding connector on the processing apparatus substantially forming a seal creating an enclosure between the interior of the first ring and the processing apparatus.

With respect to Claim 67, the fluid conduit is ***configured to*** mate with a corresponding fluid conduit of the processing apparatus.

With respect to Claim 68, a concentric vent ring (18) formed by an outer surface of the fluid conduit (13,11,20) and inner surface of the first concentric ring (6).

With respect to Claim 69, the fluid conduit (13,11,20) is disposed within the first (6) and second (5) cylindrical rings and passes through the wall (1) between interior spaces defined by the rings.

Allowable Subject Matter

Claims 33-35, 37-38, 40-48 and 57-59 are allowed.

Prior art fails to teach or fairly suggest a laterally extending barrier or laterally extending barrier between the first cylindrical ring and the second cylindrical ring.

Response to Arguments

Applicant's arguments with respect to claims 33-35, 37-38, 40-48 and 57-59 have been considered and are allowed. Refer above.

Applicant's arguments with respect to claims 60-69 have been fully considered but they are not persuasive. Applicants argue that Daley does not teach a fluid conduit but teaches an air conduit. A fluid comprises a liquid or gas. Therefore, Daley teaches a "fluid conduit" as recited by applicant.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jyoti Nagpaul whose telephone number is 571-272-1273. The examiner can normally be reached on Monday thru Friday (8:00-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jill Warden can be reached on 571-272-1267. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JN


Jill Warden
Supervisory Patent Examiner
Technology Center 1700